

House Civil Justice Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1796\***

**House Bill No. 2033**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, Part 6, is amended by adding the following new section:

**36-3-627.**

(a) A petitioner may, at the time of filing a petition for an order of protection, request that the court issue an order directing a wireless telephone service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner if the petitioner:

(1) Is not the account holder; and

(2) Proves by a preponderance of the evidence that the petitioner and any minor children in the petitioner's care are the primary users of the wireless telephone numbers that will be ordered transferred by a court under this subsection (a).

(b)

(1) An order transferring the billing responsibility for and rights to the wireless telephone number or numbers to a petitioner under subsection (a) must be a separate order that is directed to the wireless telephone service provider.

(2) The order must list:

(A) The name and billing telephone number of the account holder;

(B) The name and contact information of the petitioner to whom

the telephone number or numbers will be transferred; and



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(C) Each telephone number to be transferred to the petitioner.

(3) The court shall ensure that the petitioner's contact information is not provided to the account holder in proceedings held under this section.

(4) The order must be served on the wireless telephone service provider's agent for service of process.

(5) The wireless service provider shall notify the requesting party if the wireless telephone service provider cannot operationally or technically effectuate the order due to certain circumstances, including when:

(A) The account holder has already terminated the account;

(B) Differences in network technology prevent the functionality of a device on the network; or

(C) There are geographic or other limitations on network or service availability.

(c)

(1) Upon a wireless telephone service provider's transfer of billing responsibility for and rights to a wireless telephone number or numbers to a petitioner under subsection (b), the petitioner shall assume:

(A) Financial responsibility for the transferred wireless telephone number or numbers;

(B) Monthly service costs; and

(C) Costs for any mobile device associated with the wireless telephone number or numbers.

(2) A transfer ordered under subsection (b) does not preclude a wireless telephone service provider from applying any routine and customary requirements for account establishment to the petitioner as part of the transfer of billing responsibility for a wireless telephone number or numbers and any devices

attached to that number or numbers, including, but not limited to, identification, financial information, and customer preferences.

(d) This section does not affect the ability of the court to apportion the assets and debts of the parties as provided for in law, or the ability to determine the temporary use, possession, and control of personal property under this chapter.

(e) Notwithstanding any other law to the contrary, no cause of action shall lie in any court nor shall any civil, criminal, or administrative proceeding be commenced by a governmental entity against any wireless telephone service provider, or its directors, officers, employees, agents, or vendors, for:

(1) Action taken in compliance with an order issued under this section;

(2) A failure to process an order issued under this section, unless the failure is the result of gross negligence, which must be shown by clear and convincing evidence; or

(3) Providing in good faith call location information or other information, facilities, or assistance in accordance with subsection (a) or any rules promulgated under this section.

(f) If an order of protection is issued, but a separate order under § 36-3-606(a)(12) did not issue at the time of the order, or if the order of protection was issued prior to the availability of the relief under § 36-3-606(a)(12), a petitioner may, at any time, petition the court issuing the order of protection to modify the order and require a wireless service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner pursuant to this section.

SECTION 2. Tennessee Code Annotated, Section 36-3-606, is amended by adding the following new subdivision to subsection (a):

(12) Ordering a wireless service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to a petitioner pursuant to § 36-3-627.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring

it.

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AMEND Senate Bill No. 1790

House Bill No. 1785\*

by deleting Section 3 and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 36-3-106, is amended by deleting the section in its entirety and substituting instead the following:

(a) Notwithstanding § 36-3-105, a minor who is seventeen (17) years of age may petition the juvenile, circuit, or chancery court in the county in which the minor resides for an order granting permission to marry. The petition shall contain the following:

(1) The petitioner's name, gender, age, date of birth, address, and how long the petitioner has resided at that address, as well as prior addresses and dates of residence for the six (6) months preceding the petition;

(2) The intended spouse's name, gender, age, date of birth, address, and how long the intended spouse has resided at that address, as well as prior addresses and dates of residence for the six (6) months preceding the petition;

(3) An affidavit attesting to the consent to marry signed by:

(A) Both parents of the petitioner, if the parents are married, the parents are not legally separated, no legal guardian has been appointed for petitioner, and no court order has been issued granting custody of petitioner to a party other than the father or mother;

(B) Both parents, if both are living and the parents are divorced or legally separated, and a court order of joint custody to the parents of the petitioner has been issued and is in effect;

(C) The surviving parent if one (1) parent is deceased;



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(D) The custodial parent, as established by a court order which has not been superseded, where the parents are divorced or legally separated and joint custody of the petitioner has not been ordered; or

(E) Another person having lawful custodial charge of the petitioner;

(4) A statement of the reasons why the petitioner desires to marry, how the parties came to know each other, and how long they have known each other;

(5) Evidence of the petitioner's maturity and capacity for self-sufficiency independent of the petitioner's parents and the intended spouse, including, but not limited to:

(A) Proof that the petitioner has maintained stable housing or employment for at least three (3) consecutive months prior to the petition; and

(B) Proof that the petitioner has completed high school, obtained a high school equivalency credential, or completed a vocational training or certificate program;

(6) Copies of any criminal records of either party to be married; and

(7) Copies of any domestic violence order or protective order involving either party to be married.

(b) Upon the filing of the petition for permission to marry, the court shall set a date for an evidentiary hearing on the petition that is no sooner than thirty (30) days but no later than sixty (60) days from the date of the filing.

(c) The petitioner may be represented by counsel in a court proceeding pertaining to the petition to marry.

(d) The court shall take reasonable measures to ensure that any representations made by a minor party are free of coercion, undue influence, or duress. Reasonable measures shall include, but are not limited to, in camera interviews.

(e) Following an evidentiary hearing, the court shall grant the minor's petition for permission to marry unless:

(1) The age difference between the parties is more than three (3) years;

(2) The intended spouse was or is a person in a position of authority or special trust who by reason of that position is able to exercise undue influence over the minor;

(3) The intended spouse has previously been enjoined by a domestic violence order or protective order, regardless of whether the person to be protected by the order was the minor petitioner;

(4) The intended spouse has been convicted of a:

(A) Criminal offense against a victim who is a minor under § 39-13-111, § 39-15-401, § 39-15-402, or title 39, chapter 13, part 3 or 5;

(B) Violent felony offense, as defined in § 40-35-321(e); or

(C) Sexual offense or violent sexual offense, as defined in § 40-39-202;

(5) The court finds by a preponderance of the evidence that the minor was a victim and that the intended spouse was the perpetrator of a sexual offense against the minor under title 39, chapter 13, part 5 or title 39, chapter 17, part 10;

(6) The court finds by a preponderance of the evidence that abuse, coercion, undue influence, or duress is present; or

(7) The court finds that it would otherwise not be in the minor party's best interest to grant the petition to marry.

(f) A past or current pregnancy of the minor or the intended spouse shall not be sufficient evidence to establish that the best interests of the minor would be served by granting the petition for marriage.

(g) The granting of a petition for permission to marry filed under subsection (a) shall remove the disabilities of minority. A minor emancipated by the petition shall be

considered to have all the rights and responsibilities of an adult, except for specific constitutional or statutory age requirements, including voting, the use of alcoholic beverages, and other health and safety regulations relevant to the minor because of the minor's age.

(h) The minor shall be advised by the court of the rights and responsibilities of parties to a marriage and of emancipated minors. The minor shall be provided with a fact sheet on these rights and responsibilities to be developed by the administrative office of the courts. The fact sheet shall include referral information for legal aid agencies in this state and national hotlines for domestic violence and sexual assault.

(i) The court may make any other orders that the court deems appropriate for the minor's protection and may impose any other condition on the grant of the petition that the court determines is reasonable under the circumstances for the minor's protection.

(j) The court may set a fee not to exceed twenty dollars (\$20.00) to file a petition for permission to marry under this section.

**AND FURTHER AMEND** by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-3-104(b), is amended by deleting the subsection and substituting instead the following:

If either of the parties is seventeen (17) years of age, a marriage license shall not be issued unless:

(1) The party who is seventeen (17) years of age presents to the clerk a certified copy of a court order that grants the party permission to marry and removes the party's disability of minority, as provided in § 36-3-106; and

(2) At least fifteen (15) days have elapsed since the court order was granted.

**AND FURTHER AMEND** by deleting the effective date section and substituting instead the following:



SECTION 6. Tennessee Code Annotated, Section 36-3-104(a)(1), is amended by adding the language "and supported by appropriate documentation" immediately after the language "The application shall be sworn to by both applicants".

SECTION 7. Tennessee Code Annotated, Section 36-3-104(b), is amended by deleting the subsection in its entirety.

SECTION 8. Tennessee Code Annotated, Section 36-3-106, is amended by deleting the section in its entirety.

SECTION 9. Sections 7 and 8 of this act shall take effect July 1, 2021, the public welfare requiring it. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

House Civil Justice Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2549**

**House Bill No. 2522\***

by deleting subsection (a) from the amendatory language of SECTION 1 and substituting  
instead the following:

(a) As used in this section, "educator" means any person with an active teaching  
license who is currently employed as a teacher at any public or private elementary or  
secondary school in this state.



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Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 1574\*

House Bill No. 1940

by deleting subsection (a) in SECTION 1 of the bill and substituting instead the following:

(a) There is created within the Tennessee bureau of investigation a registry of persons convicted of the following offenses committed against a victim who meets the criteria of a domestic abuse victim, as defined by § 39-13-111(a):

- (1) Aggravated assault, pursuant to § 39-13-102(a), (b), or (c);
- (2) First degree murder, pursuant to § 39-13-202;
- (3) Second degree murder, pursuant to § 39-13-210;
- (4) Voluntary manslaughter, pursuant to § 39-13-211;
- (5) Aggravated rape, pursuant to § 39-13-502;
- (6) Rape, pursuant to § 39-13-503;
- (7) Aggravated sexual battery, pursuant to § 39-13-504;
- (8) Sexual battery, pursuant to § 39-13-505;
- (9) Kidnapping, pursuant to § 39-13-303;
- (10) Aggravated kidnapping, pursuant to § 39-13-304; or
- (11) Especially aggravated kidnapping, pursuant to § 39-13-305.



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**AMEND Senate Bill No. 1994**

**House Bill No. 2016\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-2-506(21)(A), is amended by the deleting the subdivision in its entirety and substituting instead the following:

(A)

(i) The twenty-first judicial district consists of the counties of Hickman, Lewis, Perry, and Williamson. For purposes of allocating judicial personnel and resources only, the twenty-first judicial district shall be organized into a Circuit 21A and a Circuit 21B. Circuit 21A shall consist of Williamson County, and Circuit 21B shall consist of Hickman, Lewis, and Perry counties.

(ii) There is created a new position of circuit judge, Division V, for assignment to Circuit 21B of the twenty-first judicial district. The circuit judge of Division V shall have jurisdiction over civil, criminal, and chancery matters in Hickman, Lewis, and Perry counties. The Division V circuit judge shall be appointed by the governor to serve until September 1, 2020, or until the judge's successor is elected and qualified. The appointed judge shall possess the same qualifications, powers, and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments, and dignity of office as is required or provided by law for other circuit court judges or chancellors. At the August 2020 general election, the qualified voters of Hickman, Lewis, and Perry counties shall elect one (1) person to serve as circuit judge of Division V. The person so elected shall serve until September 1, 2022, or until the judge's



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successor is elected and qualified. At the August 2022 general election, and every eight (8) years thereafter, the qualified voters of Hickman, Lewis, and Perry counties shall elect a person to serve as judge of Division V of the circuit court of the twenty-first judicial district. Thereafter, the judge of Division V shall be elected for full eight-year terms.

(iii) Effective upon the appointment of the circuit judge of Division V, the incumbent judges for Divisions I, II, III, and IV of the circuit court of the twenty-first judicial district shall continue to serve in their respective capacities, shall be assigned to, and shall exercise civil, criminal, and chancery jurisdiction in Circuit 21A of the twenty-first judicial district. At the August 2022 general election, and every eight (8) years thereafter, the qualified voters of Williamson County shall elect one (1) person to serve as judge of Division I, one (1) person to serve as judge of Division II, one (1) person to serve as judge of Division III, and one (1) person to serve as judge of Division IV of the circuit court of the twenty-first judicial district. Thereafter, the judges of Divisions I, II, III, and IV shall be so elected for full eight-year terms.

(iv) For purposes of interchange, the judges of all divisions assigned to Circuit 21A and Circuit 21B of the twenty-first judicial district shall have jurisdiction to hear and decide cases in either circuit of the district, as the interests of justice may require.

(v) The judges of Divisions I, II, III, IV, and V shall be deemed to be judges of the twenty-first judicial district for purposes of § 16-2-509.

SECTION 2. This act shall take effect September 1, 2018, the public welfare requiring it.

House Civil Justice Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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**AMEND Senate Bill No. 1084**

**House Bill No. 880\***

by deleting all language after the caption and substituting instead the following:

WHEREAS, it is the policy of this state that court fees and taxes shall be imposed only for the expenses related to the operation of the courts and the operations of the court clerks; and

WHEREAS, the General Assembly is concerned that the imposition of court fees and taxes for purposes unrelated to the operation of the courts has created a burden on the citizens of Tennessee, and these fees and taxes create a barrier to access to the court system; and

WHEREAS, these fees and taxes are unreliable sources of funding for the various purposes for which they are intended; now, therefore,

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

SECTION 1. Tennessee Code Annotated, Section 4-29-240(a), is amended by inserting the following new subdivision:

( ) Court fee and tax advisory council, created by § 16-23-101;

SECTION 2. Tennessee Code Annotated, Title 16, is amended by adding the following new chapter:

**16-23-101.**

There is established a court fee and tax advisory council, which shall consist of:

(1) One (1) chancellor, one (1) circuit court judge, and one (1) criminal court judge, to be selected by a majority vote of the judges of the supreme court;



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(2) One (1) general sessions court judge to be selected by a majority vote of the members of the board of governors of the Tennessee general sessions judges' conference;

(3) One (1) juvenile court judge to be selected by a majority vote of the executive committee of the Tennessee council of juvenile and family court judges;

(4) The administrative director of the courts or the director's designee;

(5) One (1) attorney licensed to practice law in the state of Tennessee who has practiced law at least three (3) years in the state, to be selected jointly by the speaker of the house of representatives and the speaker of the senate; and

(6) One (1) clerk of a civil court and one (1) clerk of a criminal court, to be selected by the president of the state court clerks' conference.

**16-23-102.**

The term of each of the members of the council, except the administrative director of the courts, shall be for a period of four (4) years from the date of their respective appointments. All vacancies shall be filled for the remainder of any term by appointment by the person or body having the original power of appointment. No member whose term is set at four (4) years shall serve more than two (2) full consecutive terms. The member shall, however, be eligible for reappointment after an absence from the court fee and tax advisory council of at least one (1) year.

**16-23-103.**

The council shall have and possess the power, whenever any member of the council fails to attend three (3) consecutive regular meetings of the council without sufficient excuse for failure to attend, after due notice and hearing, if requested, to declare that member's place on the council vacant and to certify the fact of the vacancy

to the person or body charged with the right to fill such vacancies, and such appointing power shall proceed to fill the vacancy upon receipt of due notice.

**16-23-104.**

(a) The council shall elect a chair from among the members.

(b) The council may make, and from time to time modify, the rules for its procedure and the conduct of its business.

(c) The administrative office of the courts (AOC) may employ such staff as is necessary to support the council in its duties.

(d) The AOC may procure such office supplies, and may incur such other expenses, as is necessary to support the council in the performance of its duties.

**16-23-105.**

The council shall meet twice every month in Nashville when the general assembly is in legislative session. Members shall be permitted to attend meetings from a remote location by telephone, television, teleconference, or other electronic means. Other meetings, either regular or special, may be provided for by rules adopted by the council.

**16-23-106.**

(a) The clerks of the senate and house of representatives shall submit to the council for consideration any bills that propose a new litigation tax or fee or an increase in an existing litigation tax or fee, upon introduction of the bills. Any bills that are amended to propose a new litigation tax or fee or an increase in an existing litigation tax or fee shall be submitted by the clerks to the council for consideration once the amendment is adopted by a standing committee.

(b) It is the duty of the council to:

(1) Consider and report in a timely manner to the members of the general assembly the council's recommendation concerning any pending legislation proposing the creation of a litigation tax or fee on any civil or criminal case; and



(2) Compile an annual report, to be submitted to the members of the senate judiciary committee and the members of the criminal justice and civil justice committees of the house of representatives, on all the existing litigation taxes and fees that are imposed and the council's recommendations on whether each litigation tax or fee should continue.

**16-23-107.**

Judges, chancellors, and other officers of the courts, whether of record or not, and all other state, county, and municipal officers shall submit reports to the council, as it requests, of matters within the scope of the council's duties.

**16-23-108.**

Members of the council shall not receive per diem or other compensation for their services, but may be reimbursed for actual expenses incident to attending council meetings, in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it.

House Civil Justice Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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**AMEND Senate Bill No. 2132\***

**House Bill No. 2301**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding any law to the contrary, any provision of a settlement agreement entered into by a governmental entity that has the effect of prohibiting the disclosure of details relating to the claim by any of the parties is void and unenforceable as contrary to the public policy of this state; except that identifying information concerning a person who is a victim of sexual harassment or an offense under title 39, chapter 13, part 5; title 39, chapter 17, part 10; § 39-13-111; § 39-13-605; § 39-15-302; § 39-15-401; or § 39-15-402 shall be deemed confidential until such person authorizes the disclosure of the information.

(b) For purposes of this section, "governmental entity" means any lawfully established department, agency, or entity of this state or of any political subdivision of this state.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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